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In re Application of
CARSTEN DUWE
Application No.: 10/690,913
Filing Date: 10 July 2003
Attorney's Docket No.: 1179-014
For: DEVICE FOR PNEUMATIC OR
HYDRAULIC CONVEYING OF DUSTY,
POWDERY OR GRANULAR BULK MATERIAL :

:
: DECISION ON
:
: PETITION
:
: UNDER 37 CFR 1.182
:

This is a decision in response to applicant's "Petition under 37 CFR 1.182 To Convert a National Application Which Was Filed under 35 U.S.C. 371 to an Application Filed Under 35 U.S.C. 111(a)". The petition was filed in the United States Patent and Trademark Office (USPTO) on 23 July 2003. The petition indicates that applicant inadvertently used the Form PTO-1390, instead of the proper transmittal form and requests that the application papers filed on 10 July 2003 be converted from a application filed under 35 U.S.C. 371 to a regular national application under 35 U.S.C. 111(a). The \$130.00 petition fee has been paid.

On 10 July 2003, applicant filed a Transmittal Letter (Form PTO1390) requesting processing as a national stage application under 35 U.S.C. 371, which was accompanied by the filing fee for a filing under 35 U.S.C. 111 and a certified copy of the German priority document to perfect the claim for priority under 35 U.S.C. 119. See MPEP §1896. The application was processed as a filing under 35 U.S.C. 111(a) and assigned application no. 10/690,913.

The use of the "Transmittal Letter for United States Designated Office" (Form PTO-1390) as the transmittal letter serves as an indication that the applicant is seeking to enter the national stage under Patent Cooperation Treaty as a filing under 35 U.S.C. 371. However, applicant did not refer to a particular international application by PCT Serial Number and International Filing Date. Applicant's submission on 10 July 2003 was properly treated as an application filed under 35 U.S.C. 111(a), with a filing date of 10 July 2003.

Applicant's petition is **MOOT**. This application is being forwarded to Office of Initial Preliminary Examination for further processing. The application will then be examined in due course.

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